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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,823	06/12/2001	Craig W. Barnett	23419-003-408	6075
29315	7590	10/08/2003	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190				DURAN, ARTHUR D
ART UNIT		PAPER NUMBER		
3622				

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/879,823	BARNETT ET AL.
	Examiner Arthur Duran	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 47-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 47-61 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11,12,14</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 47-61 have been examined.

Interference

2. Applicant's provocation of an Interference with Patent 6,075,971 has been noted.

However, claims 47-60 are rejected as stated below. Therefore, an Interference has not been initiated.

Response to Amendment

3. The Amendment filed on 8/22/03 is insufficient to overcome the prior rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 47, 52, 57, and 61 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 47, 52, 57 disclose "wherein each coupon may be used a predetermined number of times," and "monitoring redemption of the one or more coupons such that each coupon may be used a predetermined number of times".

The Applicant states several references in the specification as disclosing the terms of this claim.

However, these citations make no reference concerning “such that each coupon may be used a predetermined number of times.” Additionally, nowhere in the Applicant’s specification does the term ‘predetermined’ appear.

Additionally, all dependent claims on independent claims 47, 52, and 57 are rejected as being dependent upon said claims.

Applicant has disclosed independent claims which are broader in scope than the specification. The specification only envisions that a coupon can be redeemed only once. However, the phrase ‘predetermined number of times’ in the independent claims is open to the coupon being redeemed more than once. Therefore, the independent claims are broader than the specification and, therefore, not supported by the specification.

Claims 47, 52, 57, 61 disclose a ‘target audience’. However, the specification does not disclose any target audience.

Claims 47, 52, 57, 61 disclose a ‘preferences’. However, the specification does not disclose any ‘preferences’.

Claims 47, 52, 57, 61 disclose a ‘preferences of the users stored in the respective user’s devices’. However, the specification does not disclose any preferences or profile stored on the user’s devices.

Claims 47, 52, 57, 61 disclose a “user’s device”. However, the specification does not disclose any “user’s device”. The specification does disclose a user’s personal computer.

However, a “user’s device” is broader in scope than a user’s personal computer. Therefore, a “user’s device” for storage is not supported by the specification.

Claims 47, 52, 57, 61 disclose a “subset of users”. However, the specification does not disclose any subset of users nor any set of users.

Additionally, all dependent claims on independent claims 47, 52, 57, and 61 are rejected as being dependent upon said claims.

Response to Arguments

4. Applicant's arguments with respect to claims 47-60 have been considered but are not found persuasive.

In reference to claims 47-60, Applicant has disclosed independent claims which are broader in scope than the specification. The specification only envisions that a coupon can be redeemed only once. However, the phrase ‘predetermined number of times’ in the independent claims is open to the coupon being redeemed more than once. Therefore, the independent claims are broader than the specification and, therefore, not supported by the specification.

Additionally, the Interview summary dated 6/3/03 stated that the addition of a wherein clause at the end of the claim specifying that the predetermined number of times was one would make the claim supported by the specification. However, the claims have not been amended to state that the predetermined number of times is one. Hence, the present claim can be read has a number greater than one and is, therefore, broader in scope than the specification.

Rejection of new claim 61 is stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

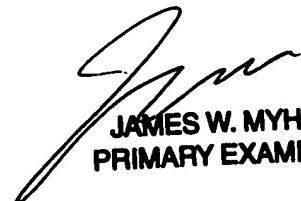
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AD

9/23/03



JAMES W. MYHRE
PRIMARY EXAMINER